## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ABDUL-HAQQ SHABAZZ,	)
Plaintiff,	)
V.	) C.A. No. 16-570-RGA
DELAWARE DEPARTMENT OF CORRECTION, DELAWARE DEPARTMENT OF EDUCATION, CONNECTIONS COMMUNITY SUPPORT PROGRAMS, DAVID PIERCE, PHIL PARKER,	) ) JURY TRIAL DEMANDED ) ) ) )
Defendants.	)

# PLAINTIFF'S EMERGENCY MOTION FOR AN EXTENSION TO FILE A <u>THIRD AMENDED COMPLAINT</u>

Counsel for Plaintiff Abdul-Haqq Shabazz hereby moves the Court for an extension from December 15, 2017 until January 15, 2018, to determine whether to file a Third Amended Complaint and provides a proposed form of Order.

- 1. This Court appointed Pepper Hamilton LLP as counsel for Plaintiff in this matter on January 24, 2017. *See* D.I. 18.
- 2. Mr. Shabazz filed a First Amended Complaint on April 7, 2017, naming Connections Community Support Programs, Inc. ("CCSP"), the medical contractor for the Delaware Department of Corrections, as a Defendant. *See* D.I. 22. Mr. Shabazz filed a Second Amended Complaint on May 12, 2017. *See* D.I. 27.
- 3. CCSP filed a Motion to Dismiss the Second Amended Complaint on June 5, 2017 (D.I. 28), which this Court granted on November 28, 2017, but gave leave to Mr. Shabazz to file a Third Amended Complaint by December 15, 2017. *See* D.I. 58.

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4. Mr. Shabazz has advised his counsel that he has documents in his

possession in his prison cell that would support a claim against CCSP, including the existence of

policies or procedures to support his deliberate indifference claim against CCSP. Given his

diminished vision and logistical difficulties, Mr. Shabazz has not been able or willing to provide

those documents to his counsel, despite repeated requests.

5. While somewhat unusual, Mr. Shabazz's counsel requests that the Court

order Mr. Shabazz to provide the described documents in his possession to his counsel for review

and copying. After copying, Counsel will return the originals to Mr. Shabazz. Counsel asks that

Mr. Shabazz be ordered to provide those documents to his counsel no later than January 5, 2018,

and that the date for filing any further amended complaint be extended to January 15, 2018.

6. Plaintiff's counsel contacted counsel for Defendant CCSP on December

12, 2017, requesting an extension to file a Third Amended Complaint until it could review the

documents in Plaintiff's possession, but CCSP declined this request and stated its intention to

"oppos[e] any such motion" for an extension. See Exhibit A. Again on December 13, 2017, in

accordance with Local Rule 7.1.1, Plaintiff's Delaware counsel reached out to Defendant CCSP,

but Defendant CCSP again denied any request for an extension to file a Third Amended

Complaint.

WHEREFORE, it is respectfully requested that this Court enter an order

requiring Mr. Shabazz to turn over to his counsel all documents in his possession supporting his

claims against CCSP by January 5, 2018, and extending Mr. Shabazz's deadline to file a Third

Amended Complaint until January 15, 2018.

Respectfully submitted,

Dated: December 13, 2017 /s/ Joanna J. Cline

Joanna J. Cline (DE Bar No. 5873)

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#### **CERTIFICATE OF SERVICE**

I, Christopher B. Chuff, hereby certify that on this 13th day of December, 2017, I electronically filed the foregoing PLAINTIFF'S EMERGENCY MOTION FOR AN EXTENSION TO FILE A THIRD AMENDED COMPLAINT, which shall send notification of such filing to counsel of record for all parties.

Respectfully submitted,

Dated: December 13, 2017

/s/ Christopher B. Chuff

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